

1 **MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT**

2 **REVISIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Waldrip**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill revises provisions related to municipal and county land use development and
11 management.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ establishes certain annual training requirements for a municipal or county planning
16 commission;
- 17 ▶ requires a local land use authority to establish objective standards for conditional
18 uses;
- 19 ▶ prohibits a municipality or county from imposing certain land use regulations on
20 specified building permit applicants;
- 21 ▶ establishes certain requirements governing municipal and county development
22 agreements;
- 23 ▶ prohibits a municipality or county from imposing certain requirements related to the
24 installation of pavement for specified infrastructure improvements involving
25 roadways;
- 26 ▶ requires a municipality or county to establish by ordinance certain standards for
27 infrastructure improvements involving roadways;



- 28 ▶ prohibits a municipal or county land use appeal authority from hearing an appeal
- 29 from the enactment of a land use regulation; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 10-9a-103, as last amended by Laws of Utah 2020, Chapter 434
- 38 10-9a-302, as last amended by Laws of Utah 2020, Chapter 434
- 39 10-9a-507, as last amended by Laws of Utah 2019, Chapter 384
- 40 10-9a-509, as last amended by Laws of Utah 2020, Chapter 434
- 41 10-9a-529, as enacted by Laws of Utah 2020, Chapter 434
- 42 10-9a-701, as last amended by Laws of Utah 2020, Chapters 126 and 434
- 43 10-9a-801, as last amended by Laws of Utah 2020, Chapter 434
- 44 17-27a-103, as last amended by Laws of Utah 2020, Chapter 434
- 45 17-27a-302, as last amended by Laws of Utah 2020, Chapter 434
- 46 17-27a-506, as last amended by Laws of Utah 2019, Chapter 384
- 47 17-27a-508, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
- 48 Coordination Clause, Laws of Utah 2019, Chapter 384
- 49 17-27a-701, as last amended by Laws of Utah 2020, Chapter 434
- 50 17-27a-801, as last amended by Laws of Utah 2020, Chapter 434
- 51 63I-2-217, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

52 ENACTS:

- 53 10-9a-530, Utah Code Annotated 1953
- 54 10-9a-531, Utah Code Annotated 1953
- 55 17-27a-526, Utah Code Annotated 1953
- 56 17-27a-527, Utah Code Annotated 1953



58 *Be it enacted by the Legislature of the state of Utah:*

59 Section 1. Section **10-9a-103** is amended to read:

60 **10-9a-103. Definitions.**

61 As used in this chapter:

62 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
63 detached from a primary single-family dwelling and contained on one lot.

64 (2) "Adversely affected party" means a person other than a land use applicant who:

65 (a) owns real property adjoining the property that is the subject of a land use
66 application or land use decision; or

67 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
68 general community as a result of the land use decision.

69 (3) "Affected entity" means a county, municipality, local district, special service
70 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
71 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
72 public utility, property owner, property owners association, or the Utah Department of
73 Transportation, if:

74 (a) the entity's services or facilities are likely to require expansion or significant
75 modification because of an intended use of land;

76 (b) the entity has filed with the municipality a copy of the entity's general or long-range
77 plan; or

78 (c) the entity has filed with the municipality a request for notice during the same
79 calendar year and before the municipality provides notice to an affected entity in compliance
80 with a requirement imposed under this chapter.

81 (4) "Affected owner" means the owner of real property that is:

82 (a) a single project;

83 (b) the subject of a land use approval that sponsors of a referendum timely challenged
84 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

85 (c) determined to be legally referable under Section [20A-7-602.8](#).

86 (5) "Appeal authority" means the person, board, commission, agency, or other body
87 designated by ordinance to decide an appeal of a decision of a land use application or a
88 variance.

89 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

90 residential property if the sign is designed or intended to direct attention to a business, product,
91 or service that is not sold, offered, or existing on the property where the sign is located.

92 (7) (a) "Charter school" means:

93 (i) an operating charter school;

94 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
95 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
96 Authorization; or

97 (iii) an entity that is working on behalf of a charter school or approved charter
98 applicant to develop or construct a charter school building.

99 (b) "Charter school" does not include a therapeutic school.

100 (8) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics
101 or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
102 uses, may not be compatible in some areas or may be compatible only if certain conditions are
103 required that mitigate or eliminate the detrimental impacts.

104 (9) "Constitutional taking" means a governmental action that results in a taking of
105 private property so that compensation to the owner of the property is required by the:

106 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

107 (b) Utah Constitution Article I, Section 22.

108 (10) "Culinary water authority" means the department, agency, or public entity with
109 responsibility to review and approve the feasibility of the culinary water system and sources for
110 the subject property.

111 (11) "Development activity" means:

112 (a) any construction or expansion of a building, structure, or use that creates additional
113 demand and need for public facilities;

114 (b) any change in use of a building or structure that creates additional demand and need
115 for public facilities; or

116 (c) any change in the use of land that creates additional demand and need for public
117 facilities.

118 (12) (a) "Development agreement" means a written agreement or amendment to a
119 written agreement between a municipality and one or more parties that regulates or controls the
120 use or development of a specific area of land.

121 (b) "Development agreement" does not include an improvement completion assurance.

122 [~~(12)~~] (13) (a) "Disability" means a physical or mental impairment that substantially
123 limits one or more of a person's major life activities, including a person having a record of such
124 an impairment or being regarded as having such an impairment.

125 (b) "Disability" does not include current illegal use of, or addiction to, any federally
126 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
127 802.

128 [~~(13)~~] (14) "Educational facility":

129 (a) means:

130 (i) a school district's building at which pupils assemble to receive instruction in a
131 program for any combination of grades from preschool through grade 12, including
132 kindergarten and a program for children with disabilities;

133 (ii) a structure or facility:

134 (A) located on the same property as a building described in Subsection [~~(13)~~]

135 (14)(a)(i); and

136 (B) used in support of the use of that building; and

137 (iii) a building to provide office and related space to a school district's administrative
138 personnel; and

139 (b) does not include:

140 (i) land or a structure, including land or a structure for inventory storage, equipment
141 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

142 (A) not located on the same property as a building described in Subsection [~~(13)~~]

143 (14)(a)(i); and

144 (B) used in support of the purposes of a building described in Subsection [~~(13)~~]

145 (14)(a)(i); or

146 (ii) a therapeutic school.

147 [~~(14)~~] (15) "Fire authority" means the department, agency, or public entity with
148 responsibility to review and approve the feasibility of fire protection and suppression services
149 for the subject property.

150 [~~(15)~~] (16) "Flood plain" means land that:

151 (a) is within the 100-year flood plain designated by the Federal Emergency

152 Management Agency; or

153 (b) has not been studied or designated by the Federal Emergency Management Agency
154 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
155 the land has characteristics that are similar to those of a 100-year flood plain designated by the
156 Federal Emergency Management Agency.

157 [~~16~~] (17) "General plan" means a document that a municipality adopts that sets forth
158 general guidelines for proposed future development of the land within the municipality.

159 [~~17~~] (18) "Geologic hazard" means:

- 160 (a) a surface fault rupture;
- 161 (b) shallow groundwater;
- 162 (c) liquefaction;
- 163 (d) a landslide;
- 164 (e) a debris flow;
- 165 (f) unstable soil;
- 166 (g) a rock fall; or
- 167 (h) any other geologic condition that presents a risk:
 - 168 (i) to life;
 - 169 (ii) of substantial loss of real property; or
 - 170 (iii) of substantial damage to real property.

171 [~~18~~] (19) "Historic preservation authority" means a person, board, commission, or
172 other body designated by a legislative body to:

- 173 (a) recommend land use regulations to preserve local historic districts or areas; and
- 174 (b) administer local historic preservation land use regulations within a local historic
175 district or area.

176 [~~19~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
177 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
178 other utility system.

179 [~~20~~] (21) "Identical plans" means building plans submitted to a municipality that:

- 180 (a) are clearly marked as "identical plans";
- 181 (b) are substantially identical to building plans that were previously submitted to and
182 reviewed and approved by the municipality; and

- 183 (c) describe a building that:
- 184 (i) is located on land zoned the same as the land on which the building described in the
- 185 previously approved plans is located;
- 186 (ii) is subject to the same geological and meteorological conditions and the same law
- 187 as the building described in the previously approved plans;
- 188 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 189 and approved by the municipality; and
- 190 (iv) does not require any additional engineering or analysis.

191 [~~21~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter

192 36a, Impact Fees Act.

193 [~~22~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,

194 financial institution bond, cash, assignment of rights, lien, or other equivalent security required

195 by a municipality to guaranty the proper completion of landscaping or an infrastructure

196 improvement required as a condition precedent to:

- 197 (a) recording a subdivision plat; or
- 198 (b) development of a commercial, industrial, mixed use, or multifamily project.

199 [~~23~~] (24) "Improvement warranty" means an applicant's unconditional warranty that

200 the applicant's installed and accepted landscaping or infrastructure improvement:

- 201 (a) complies with the municipality's written standards for design, materials, and
- 202 workmanship; and
- 203 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 204 within the improvement warranty period.

205 [~~24~~] (25) "Improvement warranty period" means a period:

- 206 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 207 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 208 unless the municipality:

- 209 (i) determines for good cause that a one-year period would be inadequate to protect the
- 210 public health, safety, and welfare; and
- 211 (ii) has substantial evidence, on record:
 - 212 (A) of prior poor performance by the applicant; or
 - 213 (B) that the area upon which the infrastructure will be constructed contains suspect soil

214 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

215 ~~[(25)]~~ (26) "Infrastructure improvement" means permanent infrastructure that is
216 essential for the public health and safety or that:

217 (a) is required for human occupation; and

218 (b) an applicant must install:

219 (i) in accordance with published installation and inspection specifications for public
220 improvements; and

221 (ii) whether the improvement is public or private, as a condition of:

222 (A) recording a subdivision plat;

223 (B) obtaining a building permit; or

224 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
225 project.

226 ~~[(26)]~~ (27) "Internal lot restriction" means a platted note, platted demarcation, or
227 platted designation that:

228 (a) runs with the land; and

229 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
230 the plat; or

231 (ii) designates a development condition that is enclosed within the perimeter of a lot
232 described on the plat.

233 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
234 designee, who submits a land use application regarding the property owner's land.

235 ~~[(28)]~~ (29) "Land use application":

236 (a) means an application that is:

237 (i) required by a municipality; and

238 (ii) submitted by a land use applicant to obtain a land use decision; and

239 (b) does not mean an application to enact, amend, or repeal a land use regulation.

240 ~~[(29)]~~ (30) "Land use authority" means:

241 (a) a person, board, commission, agency, or body, including the local legislative body,
242 designated by the local legislative body to act upon a land use application; or

243 (b) if the local legislative body has not designated a person, board, commission,
244 agency, or body, the local legislative body.

245 ~~[(30)]~~ (31) "Land use decision" means an administrative decision of a land use
246 authority or appeal authority regarding:

247 (a) a land use permit;

248 (b) a land use application; or

249 (c) the enforcement of a land use regulation, land use permit, or development
250 agreement.

251 ~~[(31)]~~ (32) "Land use permit" means a permit issued by a land use authority.

252 ~~[(32)]~~ (33) "Land use regulation":

253 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
254 specification, fee, or rule that governs the use or development of land;

255 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
256 and

257 (c) does not include:

258 (i) a land use decision of the legislative body acting as the land use authority, even if
259 the decision is expressed in a resolution or ordinance; or

260 (ii) a temporary revision to an engineering specification that does not materially:

261 (A) increase a land use applicant's cost of development compared to the existing
262 specification; or

263 (B) impact a land use applicant's use of land.

264 ~~[(33)]~~ (34) "Legislative body" means the municipal council.

265 ~~[(34)]~~ (35) "Local district" means an entity under Title 17B, Limited Purpose Local
266 Government Entities - Local Districts, and any other governmental or quasi-governmental
267 entity that is not a county, municipality, school district, or the state.

268 ~~[(35)]~~ (36) "Local historic district or area" means a geographically definable area that:

269 (a) contains any combination of buildings, structures, sites, objects, landscape features,
270 archeological sites, or works of art that contribute to the historic preservation goals of a
271 legislative body; and

272 (b) is subject to land use regulations to preserve the historic significance of the local
273 historic district or area.

274 ~~[(36)]~~ (37) "Lot" means a tract of land, regardless of any label, that is created by and
275 shown on a subdivision plat that has been recorded in the office of the county recorder.

276 [~~(37)~~] (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
277 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
278 accordance with Section 10-9a-608, with the consent of the owners of record.

279 (b) "Lot line adjustment" does not mean a new boundary line that:

280 (i) creates an additional lot; or

281 (ii) constitutes a subdivision.

282 [~~(38)~~] (39) "Major transit investment corridor" means public transit service that uses or
283 occupies:

284 (a) public transit rail right-of-way;

285 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

286 or

287 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
288 municipality or county and:

289 (i) a public transit district as defined in Section 17B-2a-802; or

290 (ii) an eligible political subdivision as defined in Section 59-12-2219.

291 [~~(39)~~] (40) "Moderate income housing" means housing occupied or reserved for
292 occupancy by households with a gross household income equal to or less than 80% of the
293 median gross income for households of the same size in the county in which the city is located.

294 [~~(40)~~] (41) "Municipal utility easement" means an easement that:

295 (a) is created or depicted on a plat recorded in a county recorder's office and is
296 described as a municipal utility easement granted for public use;

297 (b) is not a protected utility easement or a public utility easement as defined in Section
298 54-3-27;

299 (c) the municipality or the municipality's affiliated governmental entity uses and
300 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
301 water, or communications or data lines;

302 (d) is used or occupied with the consent of the municipality in accordance with an
303 authorized franchise or other agreement;

304 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
305 franchise or other agreement; and

306 (ii) is located in a utility easement granted for public use; or

307 (f) is described in Section 10-9a-529 and is used by a specified public utility.

308 [~~(41)~~] (42) "Nominal fee" means a fee that reasonably reimburses a municipality only
309 for time spent and expenses incurred in:

310 (a) verifying that building plans are identical plans; and

311 (b) reviewing and approving those minor aspects of identical plans that differ from the
312 previously reviewed and approved building plans.

313 [~~(42)~~] (43) "Noncomplying structure" means a structure that:

314 (a) legally existed before [~~its~~] the structure's current land use designation; and

315 (b) because of one or more subsequent land use ordinance changes, does not conform
316 to the setback, height restrictions, or other regulations, excluding those regulations, which
317 govern the use of land.

318 [~~(43)~~] (44) "Nonconforming use" means a use of land that:

319 (a) legally existed before its current land use designation;

320 (b) has been maintained continuously since the time the land use ordinance governing
321 the land changed; and

322 (c) because of one or more subsequent land use ordinance changes, does not conform
323 to the regulations that now govern the use of the land.

324 [~~(44)~~] (45) "Official map" means a map drawn by municipal authorities and recorded in
325 a county recorder's office that:

326 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
327 highways and other transportation facilities;

328 (b) provides a basis for restricting development in designated rights-of-way or between
329 designated setbacks to allow the government authorities time to purchase or otherwise reserve
330 the land; and

331 (c) has been adopted as an element of the municipality's general plan.

332 [~~(45)~~] (46) "Parcel" means any real property that is not a lot created by and shown on a
333 subdivision plat recorded in the office of the county recorder.

334 [~~(46)~~] (47) (a) "Parcel boundary adjustment" means a recorded agreement between
335 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
336 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

337 (i) none of the property identified in the agreement is subdivided land; or

338 (ii) the adjustment is to the boundaries of a single person's parcels.

339 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
340 line that:

341 (i) creates an additional parcel; or

342 (ii) constitutes a subdivision.

343 ~~[(47)]~~ (48) "Person" means an individual, corporation, partnership, organization,
344 association, trust, governmental agency, or any other legal entity.

345 ~~[(48)]~~ (49) "Plan for moderate income housing" means a written document adopted by
346 a municipality's legislative body that includes:

347 (a) an estimate of the existing supply of moderate income housing located within the
348 municipality;

349 (b) an estimate of the need for moderate income housing in the municipality for the
350 next five years;

351 (c) a survey of total residential land use;

352 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
353 income housing; and

354 (e) a description of the municipality's program to encourage an adequate supply of
355 moderate income housing.

356 ~~[(49)]~~ (50) "Plat" means a map or other graphical representation of lands that a licensed
357 professional land surveyor makes and prepares in accordance with Section [10-9a-603](#) or
358 [57-8-13](#).

359 ~~[(50)]~~ (51) "Potential geologic hazard area" means an area that:

360 (a) is designated by a Utah Geological Survey map, county geologist map, or other
361 relevant map or report as needing further study to determine the area's potential for geologic
362 hazard; or

363 (b) has not been studied by the Utah Geological Survey or a county geologist but
364 presents the potential of geologic hazard because the area has characteristics similar to those of
365 a designated geologic hazard area.

366 ~~[(51)]~~ (52) "Public agency" means:

367 (a) the federal government;

368 (b) the state;

369 (c) a county, municipality, school district, local district, special service district, or other
370 political subdivision of the state; or

371 (d) a charter school.

372 [~~(52)~~] (53) "Public hearing" means a hearing at which members of the public are
373 provided a reasonable opportunity to comment on the subject of the hearing.

374 [~~(53)~~] (54) "Public meeting" means a meeting that is required to be open to the public
375 under Title 52, Chapter 4, Open and Public Meetings Act.

376 [~~(54)~~] (55) "Public street" means a public right-of-way, including a public highway,
377 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
378 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
379 easement, or other public way.

380 [~~(55)~~] (56) "Receiving zone" means an area of a municipality that the municipality
381 designates, by ordinance, as an area in which an owner of land may receive a transferable
382 development right.

383 [~~(56)~~] (57) "Record of survey map" means a map of a survey of land prepared in
384 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

385 [~~(57)~~] (58) "Residential facility for persons with a disability" means a residence:

386 (a) in which more than one person with a disability resides; and

387 (b) (i) which is licensed or certified by the Department of Human Services under Title
388 62A, Chapter 2, Licensure of Programs and Facilities; or

389 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
390 21, Health Care Facility Licensing and Inspection Act.

391 [~~(58)~~] (59) "Rules of order and procedure" means a set of rules that govern and
392 prescribe in a public meeting:

393 (a) parliamentary order and procedure;

394 (b) ethical behavior; and

395 (c) civil discourse.

396 [~~(59)~~] (60) "Sanitary sewer authority" means the department, agency, or public entity
397 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
398 wastewater systems.

399 [~~(60)~~] (61) "Sending zone" means an area of a municipality that the municipality

400 designates, by ordinance, as an area from which an owner of land may transfer a transferable
401 development right.

402 ~~[(61)]~~ (62) "Specified public agency" means:

- 403 (a) the state;
- 404 (b) a school district; or
- 405 (c) a charter school.

406 ~~[(62)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,
407 or telephone corporation, as those terms are defined in Section 54-2-1.

408 ~~[(63)]~~ (64) "State" includes any department, division, or agency of the state.

409 ~~[(64)]~~ (65) "Subdivided land" means the land, tract, or lot described in a recorded
410 subdivision plat.

411 ~~[(65)]~~ (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
412 to be divided into two or more lots or other division of land for the purpose, whether
413 immediate or future, for offer, sale, lease, or development either on the installment plan or
414 upon any and all other plans, terms, and conditions.

415 (b) "Subdivision" includes:

416 (i) the division or development of land, whether by deed, metes and bounds
417 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
418 the division includes all or a portion of a parcel or lot; and

419 (ii) except as provided in Subsection ~~[(65)]~~ (66)(c), divisions of land for residential and
420 nonresidential uses, including land used or to be used for commercial, agricultural, and
421 industrial purposes.

422 (c) "Subdivision" does not include:

423 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
424 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
425 neither the resulting combined parcel nor the parcel remaining from the division or partition
426 violates an applicable land use ordinance;

427 (ii) an agreement recorded with the county recorder's office between owners of
428 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
429 in accordance with Section 57-1-45 if:

430 (A) no new lot is created; and

- 431 (B) the adjustment does not violate applicable land use ordinances;
- 432 (iii) a recorded document, executed by the owner of record:
- 433 (A) revising the legal description of more than one contiguous parcel of property that is
- 434 not subdivided land into one legal description encompassing all such parcels of property; or
- 435 (B) joining a subdivided parcel of property to another parcel of property that has not
- 436 been subdivided, if the joinder does not violate applicable land use ordinances;
- 437 (iv) an agreement between owners of adjoining subdivided properties adjusting the
- 438 mutual lot line boundary in accordance with Section 10-9a-603 if:
- 439 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 440 (B) the adjustment will not violate any applicable land use ordinance;
- 441 (v) a bona fide division or partition of land by deed or other instrument where the land
- 442 use authority expressly approves in writing the division in anticipation of further land use
- 443 approvals on the parcel or parcels;
- 444 (vi) a parcel boundary adjustment;
- 445 (vii) a lot line adjustment;
- 446 (viii) a road, street, or highway dedication plat; or
- 447 (ix) a deed or easement for a road, street, or highway purpose.
- 448 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 449 not been subdivided does not constitute a subdivision under this Subsection [~~(65)~~ (66) as to
- 450 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 451 subdivision ordinance.
- 452 [~~(66)~~ (67) "Subdivision amendment" means an amendment to a recorded subdivision
- 453 in accordance with Section 10-9a-608 that:
- 454 (a) vacates all or a portion of the subdivision;
- 455 (b) alters the outside boundary of the subdivision;
- 456 (c) changes the number of lots within the subdivision;
- 457 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 458 subdivision; or
- 459 (e) alters a common area or other common amenity within the subdivision.
- 460 (68) "Substantial evidence" means evidence that:
- 461 (a) is beyond a scintilla; and

462 (b) a reasonable mind would accept as adequate to support a conclusion.

463 [~~(67)~~] (69) "Suspect soil" means soil that has:

464 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
465 3% swell potential;

466 (b) bedrock units with high shrink or swell susceptibility; or

467 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
468 commonly associated with dissolution and collapse features.

469 [~~(68)~~] (70) "Therapeutic school" means a residential group living facility:

470 (a) for four or more individuals who are not related to:

471 (i) the owner of the facility; or

472 (ii) the primary service provider of the facility;

473 (b) that serves students who have a history of failing to function:

474 (i) at home;

475 (ii) in a public school; or

476 (iii) in a nonresidential private school; and

477 (c) that offers:

478 (i) room and board; and

479 (ii) an academic education integrated with:

480 (A) specialized structure and supervision; or

481 (B) services or treatment related to a disability, an emotional development, a
482 behavioral development, a familial development, or a social development.

483 [~~(69)~~] (71) "Transferable development right" means a right to develop and use land that
484 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
485 land use rights from a designated sending zone to a designated receiving zone.

486 [~~(70)~~] (72) "Unincorporated" means the area outside of the incorporated area of a city
487 or town.

488 [~~(71)~~] (73) "Water interest" means any right to the beneficial use of water, including:

489 (a) each of the rights listed in Section 73-1-11; and

490 (b) an ownership interest in the right to the beneficial use of water represented by:

491 (i) a contract; or

492 (ii) a share in a water company, as defined in Section 73-3-3.5.

493 [~~(72)~~] (74) "Zoning map" means a map, adopted as part of a land use ordinance, that
494 depicts land use zones, overlays, or districts.

495 Section 2. Section **10-9a-302** is amended to read:

496 **10-9a-302. Planning commission powers and duties -- Training requirements.**

497 (1) The planning commission shall review and make a recommendation to the
498 legislative body for:

499 (a) a general plan and amendments to the general plan;

500 (b) land use regulations, including:

501 (i) ordinances regarding the subdivision of land within the municipality; and

502 (ii) amendments to existing land use regulations;

503 (c) an appropriate delegation of power to at least one designated land use authority to
504 hear and act on a land use application;

505 (d) an appropriate delegation of power to at least one appeal authority to hear and act
506 on an appeal from a decision of the land use authority; and

507 (e) application processes that:

508 (i) may include a designation of routine land use matters that, upon application and
509 proper notice, will receive informal streamlined review and action if the application is
510 uncontested; and

511 (ii) shall protect the right of each:

512 (A) land use applicant and adversely affected party to require formal consideration of
513 any application by a land use authority;

514 (B) land use applicant or adversely affected party to appeal a land use authority's
515 decision to a separate appeal authority; and

516 (C) participant to be heard in each public hearing on a contested application.

517 (2) Before making a recommendation to a legislative body on an item described in
518 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
519 with Section [10-9a-404](#).

520 (3) A legislative body may adopt, modify, or reject a planning commission's
521 recommendation to the legislative body under this section.

522 (4) A legislative body may consider a planning commission's failure to make a timely
523 recommendation as a negative recommendation.

524 (5) Nothing in this section limits the right of a municipality to initiate or propose the
525 actions described in this section.

526 (6) (a) (i) This Subsection (6) applies to:

527 (A) a city of the first, second, third, or fourth class;

528 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
529 within in a county of the first, second, or third class; and

530 (C) a metro township with a population of 5,000 or more.

531 (ii) The population figures described in Subsections (6)(a)(i) shall be derived from:

532 (A) the most recent official census or census estimate of the United States Census
533 Bureau; or

534 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
535 the Utah Population Committee.

536 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of
537 the municipality's planning commission completes four hours of annual land use training as
538 follows:

539 (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a,
540 Municipal Land Use, Development, and Management Act; and

541 (ii) three hours of annual training on land use, which may include:

542 (A) appeals and variances;

543 (B) conditional use permits;

544 (C) exactions;

545 (D) impact fees;

546 (E) vested rights;

547 (F) subdivision regulations and improvement guarantees;

548 (G) land use referenda;

549 (H) property rights;

550 (I) real estate procedures and financing;

551 (J) zoning, including use-based and form-based; and

552 (K) drafting ordinances and code that complies with statute.

553 (c) A newly appointed planning commission member may not participate in a public
554 meeting as an appointed member until the member completes the training described in

555 Subsection (6)(b)(i).

556 (d) A planning commission member may qualify for one completed hour of training
557 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
558 meetings of the planning commission within a calendar year.

559 (e) A municipality shall provide the training described in Subsection (6)(b) through:

560 (i) municipal staff;

561 (ii) the Utah League of Cities and Towns; or

562 (iii) a list of training courses selected by:

563 (A) the Utah League of Cities and Towns; or

564 (B) the Division of Real Estate created in Section [61-2-201](#).

565 (f) A municipality shall, for each planning commission member:

566 (i) monitor compliance with the training requirements in Subsection (6)(b); and

567 (ii) maintain a record of training completion at the end of each calendar year.

568 Section 3. Section **10-9a-507** is amended to read:

569 **10-9a-507. Conditional uses.**

570 (1) (a) A municipality may adopt a land use ordinance that includes conditional uses
571 and provisions for conditional uses that require compliance with objective standards set forth in
572 an applicable ordinance.

573 (b) A municipality may not impose a requirement or standard on a conditional use that
574 conflicts with a provision of this chapter or other state or federal law.

575 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
576 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
577 the proposed use in accordance with applicable standards.

578 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
579 anticipated detrimental effects of the proposed conditional use does not require elimination of
580 the detrimental effects.

581 (b) If a land use authority proposes reasonable conditions on a proposed conditional
582 use, the land use authority shall ensure that the conditions are stated on the record and
583 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

584 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
585 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to

586 achieve compliance with applicable standards, the land use authority may deny the conditional
587 use.

588 (3) A land use authority's decision to approve or deny conditional use is an
589 administrative land use decision.

590 (4) A legislative body shall classify any use that a land use regulation allows in a
591 zoning district as either a permitted or conditional use under this chapter.

592 Section 4. Section **10-9a-509** is amended to read:

593 **10-9a-509. Applicant's entitlement to land use application approval --**
594 **Municipality's requirements and limitations -- Vesting upon submission of development**
595 **plan and schedule.**

596 (1) (a) (i) An applicant who has submitted a complete land use application as described
597 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
598 review of the application under the land use regulations:

599 (A) in effect on the date that the application is complete; and

600 (B) applicable to the application or to the information shown on the application.

601 (ii) An applicant is entitled to approval of a land use application if the application
602 conforms to the requirements of the applicable land use regulations, land use decisions, and
603 development standards in effect when the applicant submits a complete application and pays
604 application fees, unless:

605 (A) the land use authority, on the record, formally finds that a compelling,
606 countervailing public interest would be jeopardized by approving the application and specifies
607 the compelling, countervailing public interest in writing; or

608 (B) in the manner provided by local ordinance and before the applicant submits the
609 application, the municipality formally initiates proceedings to amend the municipality's land
610 use regulations in a manner that would prohibit approval of the application as submitted.

611 (b) The municipality shall process an application without regard to proceedings the
612 municipality initiated to amend the municipality's ordinances as described in Subsection
613 (1)(a)(ii)(B) if:

614 (i) 180 days have passed since the municipality initiated the proceedings; and

615 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
616 application as submitted.

617 (c) A land use application is considered submitted and complete when the applicant
618 provides the application in a form that complies with the requirements of applicable ordinances
619 and pays all applicable fees.

620 (d) A subsequent incorporation of a municipality or a petition that proposes the
621 incorporation of a municipality does not affect a land use application approved by a county in
622 accordance with Section [17-27a-508](#).

623 (e) The continuing validity of an approval of a land use application is conditioned upon
624 the applicant proceeding after approval to implement the approval with reasonable diligence.

625 (f) A municipality may not impose on an applicant who has submitted a complete
626 application a requirement that is not expressed in:

627 (i) this chapter;

628 (ii) a municipal ordinance; or

629 (iii) a municipal specification for public improvements applicable to a subdivision or
630 development that is in effect on the date that the applicant submits an application.

631 (g) A municipality may not impose on a holder of an issued land use permit or a final,
632 unexpired subdivision plat a requirement that is not expressed:

633 (i) in a land use permit;

634 (ii) on the subdivision plat;

635 (iii) in a document on which the land use permit or subdivision plat is based;

636 (iv) in the written record evidencing approval of the land use permit or subdivision
637 plat;

638 (v) in this chapter; or

639 (vi) in a municipal ordinance.

640 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
641 of a certificate of occupancy or acceptance of subdivision improvements because of an
642 applicant's failure to comply with a requirement that is not expressed:

643 (i) in the building permit or subdivision plat, documents on which the building permit
644 or subdivision plat is based, or the written record evidencing approval of the land use permit or
645 subdivision plat; or

646 (ii) in this chapter or the municipality's ordinances.

647 (i) A municipality may not unreasonably withhold issuance of a certificate of

648 occupancy where an applicant has met all requirements essential for the public health, public
649 safety, and general welfare of the occupants, in accordance with this chapter, unless:

650 (i) the applicant and the municipality have agreed in a written document to the
651 withholding of a certificate of occupancy; or

652 (ii) the applicant has not provided a financial assurance for required and uncompleted
653 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
654 legislative body adopts under this chapter.

655 (2) A municipality is bound by the terms and standards of applicable land use
656 regulations and shall comply with mandatory provisions of those regulations.

657 (3) A municipality may not, as a condition of land use application approval, require a
658 person filing a land use application to obtain documentation regarding a school district's
659 willingness, capacity, or ability to serve the development proposed in the land use application.

660 (4) (a) Except as provided in Subsection (4)(b), a municipality may not impose a land
661 use regulation on a building permit applicant if:

662 (i) the municipality enacts the land use regulation within 10 years after the day on
663 which a subdivision plat is recorded; and

664 (ii) the building permit is for a single-family dwelling located within the recorded plat
665 described in Subsection (4)(a)(i).

666 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
667 applicable building code.

668 [~~4~~] (5) Upon a specified public agency's submission of a development plan and
669 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
670 subsection, the specified public agency vests in the municipality's applicable land use maps,
671 zoning map, hookup fees, impact fees, other applicable development fees, and land use
672 regulations in effect on the date of submission.

673 [~~5~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with
674 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
675 approval by delivering a written notice:

676 (i) to the local clerk as defined in Section 20A-7-101; and

677 (ii) no later than seven days after the day on which a petition for a referendum is
678 determined sufficient under Section 20A-7-607(5).

679 (b) Upon delivery of a written notice described in Subsection ~~[(5)]~~ (6)(a) the following
 680 are rescinded and are of no further force or effect:

- 681 (i) the relevant land use approval; and
- 682 (ii) any land use regulation enacted specifically in relation to the land use approval.

683 Section 5. Section **10-9a-529** is amended to read:

684 **10-9a-529. Specified public utility located in a municipal utility easement.**

685 A specified public utility may exercise each power of a public utility under Section
 686 [54-3-27](#) if the specified public utility uses an easement:

- 687 (1) with the consent of a municipality; and
- 688 (2) that is located within a municipal utility easement described in ~~[Subsection]~~

689 Subsections [10-9a-103](#)~~[(40)]~~(41)(a) through (e).

690 Section 6. Section **10-9a-530** is enacted to read:

691 **10-9a-530. Development agreements.**

692 (1) Subject to Subsection (2), a municipality may enter into a development agreement
 693 containing any term that the municipality considers necessary or appropriate to accomplish the
 694 purposes of this chapter.

695 (2) (a) A development agreement may not:

696 (i) limit a municipality's authority in the future to:

697 (A) enact a land use regulation; or

698 (B) take any action allowed under Section [10-8-84](#);

699 (ii) require a municipality to change the zoning designation of an area of land within
 700 the municipality in the future; or

701 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
 702 existing land use regulation that governs the area subject to the development agreement, unless
 703 the legislative body approves the development agreement in accordance with the same
 704 procedures for enacting a land use regulation under Section [10-9a-502](#), including a review and
 705 recommendation from the planning commission and a public hearing.

706 (b) A development agreement that requires the implementation of an existing land use
 707 regulation as an administrative act does not require a legislative body's approval under Section
 708 [10-9a-502](#).

709 (c) A municipality may not require a development agreement as the only option for

710 developing land within the municipality.

711 (d) To the extent that a development agreement does not specifically address a matter
712 or concern related to land use or development, the matter or concern is governed by:

713 (i) this chapter; and

714 (ii) any applicable land use regulations.

715 Section 7. Section **10-9a-531** is enacted to read:

716 **10-9a-531. Infrastructure improvements involving roadways.**

717 (1) As used in this section:

718 (a) "Low impact development" means the same as that term is defined in Section
719 [19-5-108.5](#).

720 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

721 (ii) "Pavement" does not include a curb or gutter.

722 (c) "Residential street" means a public or private roadway that:

723 (i) currently serves or is projected to serve an area designated primarily for
724 single-family residential use;

725 (ii) requires at least two off-site parking spaces for each single-family residential
726 property abutting the roadway; and

727 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
728 based on findings contained in:

729 (A) a traffic impact study;

730 (B) the municipality's general plan under Section [10-9a-401](#);

731 (C) an adopted phasing plan; or

732 (D) a written plan or report on current or projected traffic usage.

733 (2) (a) Except as provided in Subsection (2)(b), a municipality may not, as part of an
734 infrastructure improvement, require the installation of pavement on a residential street at a
735 width in excess of 32 feet if the municipality requires low impact development for the area in
736 which the residential street is located.

737 (b) Subsection (2)(a) does not apply if a municipality requires the installation of
738 pavement:

739 (i) in a vehicle turnaround area; or

740 (ii) to address specific traffic flow constraints at an intersection or other area.

741 (3) (a) A municipality shall, by ordinance, establish any standards that the municipality
 742 requires, as part of an infrastructure improvement, for fire department vehicle access and
 743 turnaround on roadways.

744 (b) The municipality shall ensure that the standards established under Subsection (3)(a)
 745 are consistent with the State Fire Code as defined in Section [15A-1-102](#).

746 Section 8. Section **10-9a-701** is amended to read:

747 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
 748 **Appeal authority duties.**

749 (1) (a) Each municipality adopting a land use ordinance shall, by ordinance, establish
 750 one or more appeal authorities [~~to hear and decide~~].

751 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:

752 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;

753 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and

754 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section [10-9a-510](#).

755 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
 756 enactment of a land use regulation.

757 (2) As a condition precedent to judicial review, each adversely affected party shall
 758 timely and specifically challenge a land use authority's land use decision, in accordance with
 759 local ordinance.

760 (3) An appeal authority described in Subsection (1)(a):

761 (a) shall:

762 (i) act in a quasi-judicial manner; and

763 (ii) serve as the final arbiter of issues involving the interpretation or application of land
 764 use ordinances; and

765 (b) may not entertain an appeal of a matter in which the appeal authority, or any
 766 participating member, had first acted as the land use authority.

767 (4) By ordinance, a municipality may:

768 (a) designate a separate appeal authority to hear requests for variances than the appeal
 769 authority [~~it~~] the municipality designates to hear appeals;

770 (b) designate one or more separate appeal authorities to hear distinct types of appeals
 771 of land use authority decisions;

772 (c) require an adversely affected party to present to an appeal authority every theory of
773 relief that ~~[it]~~ the adversely affected party can raise in district court;

774 (d) not require a land use applicant or adversely affected party to pursue duplicate or
775 successive appeals before the same or separate appeal authorities as a condition of an appealing
776 party's duty to exhaust administrative remedies; and

777 (e) provide that specified types of land use decisions may be appealed directly to the
778 district court.

779 (5) If the municipality establishes or, prior to the effective date of this chapter, has
780 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
781 board, body, or panel shall:

782 (a) notify each of ~~[its]~~ the members of the board, body, or panel of any meeting or
783 hearing of the board, body, or panel;

784 (b) provide each of ~~[its]~~ the members of the board, body, or panel with the same
785 information and access to municipal resources as any other member;

786 (c) convene only if a quorum of ~~[its]~~ the members of the board, body, or panel is
787 present; and

788 (d) act only upon the vote of a majority of ~~[its]~~ the convened members of the board,
789 body, or panel.

790 Section 9. Section **10-9a-801** is amended to read:

791 **10-9a-801. No district court review until administrative remedies exhausted --**
792 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
793 **-- Staying of decision.**

794 (1) No person may challenge in district court a land use decision until that person has
795 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
796 Variances, if applicable.

797 (2) (a) ~~[A]~~ Subject to Subsection (1), a land use applicant or adversely affected party
798 may file a petition for review of ~~[the]~~ a land use decision with the district court within 30 days
799 after the decision is final.

800 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
801 property owner files a request for arbitration of a constitutional taking issue with the property
802 rights ombudsman under Section **13-43-204** until 30 days after:

- 803 (A) the arbitrator issues a final award; or
- 804 (B) the property rights ombudsman issues a written statement under Subsection
- 805 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
- 806 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
- 807 taking issue that is the subject of the request for arbitration filed with the property rights
- 808 ombudsman by a property owner.
- 809 (iii) A request for arbitration filed with the property rights ombudsman after the time
- 810 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.
- 811 (3) (a) A court shall:
- 812 (i) presume that a land use regulation properly enacted under the authority of this
- 813 chapter is valid; and
- 814 (ii) determine only whether:
- 815 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
- 816 or federal law; and
- 817 (B) it is reasonably debatable that the land use regulation is consistent with this
- 818 chapter.
- 819 (b) A court shall:
- 820 (i) presume that a final land use decision of a land use authority or an appeal authority
- 821 is valid; and
- 822 (ii) uphold the land use decision unless the land use decision is:
- 823 (A) arbitrary and capricious; or
- 824 (B) illegal.
- 825 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
- 826 supported by substantial evidence in the record.
- 827 (ii) A land use decision is illegal if the land use decision is:
- 828 (A) based on an incorrect interpretation of a land use regulation; or
- 829 (B) contrary to law.
- 830 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
- 831 decision.
- 832 (ii) If the court reverses a land use [~~authority's~~] decision, the court shall remand the
- 833 matter to the land use authority with instructions to issue a land use decision consistent with

834 the court's ruling.

835 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
836 takes final action on a land use application, if the municipality conformed with the notice
837 provisions of Part 2, Notice, or for any person who had actual notice of the pending land use
838 decision.

839 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
840 enactment of a land use regulation or general plan may not be filed with the district court more
841 than 30 days after the enactment.

842 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
843 days after the land use decision is final.

844 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
845 the reviewing court the record of ~~[its]~~ the proceedings of the land use authority or appeal
846 authority, including ~~[its]~~ the minutes, findings, orders, and, if available, a true and correct
847 transcript of ~~[its]~~ the proceedings.

848 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
849 transcript for purposes of this Subsection (7).

850 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
851 by the land use authority or appeal authority, as the case may be.

852 (ii) The court may not accept or consider any evidence outside the record of the land
853 use authority or appeal authority, as the case may be, unless that evidence was offered to the
854 land use authority or appeal authority, respectively, and the court determines that ~~[it]~~ the
855 evidence was improperly excluded.

856 (b) If there is no record, the court may call witnesses and take evidence.

857 (9) (a) The filing of a petition does not stay the land use decision of the land use
858 authority or appeal authority, as the case may be.

859 (b) (i) Before filing a petition under this section or a request for mediation or
860 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
861 petition the appeal authority to stay ~~[its]~~ the appeal authority's land use decision.

862 (ii) Upon receipt of a petition to stay, the appeal authority may order ~~[its]~~ the appeal
863 authority's land use decision stayed pending district court review if the appeal authority finds
864 ~~[it]~~ the order to be in the best interest of the municipality.

865 (iii) After a petition is filed under this section or a request for mediation or arbitration
866 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
867 injunction staying the appeal authority's land use decision.

868 (10) If the court determines that a party initiated or pursued a challenge to ~~the~~ a land
869 use decision on a land use application in bad faith, the court may award attorney fees.

870 Section 10. Section 17-27a-103 is amended to read:

871 **17-27a-103. Definitions.**

872 As used in this chapter:

873 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
874 detached from a primary single-family dwelling and contained on one lot.

875 (2) "Adversely affected party" means a person other than a land use applicant who:

876 (a) owns real property adjoining the property that is the subject of a land use

877 application or land use decision; or

878 (b) will suffer a damage different in kind than, or an injury distinct from, that of the

879 general community as a result of the land use decision.

880 (3) "Affected entity" means a county, municipality, local district, special service
881 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
882 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
883 property owner, property owners association, public utility, or the Utah Department of
884 Transportation, if:

885 (a) the entity's services or facilities are likely to require expansion or significant
886 modification because of an intended use of land;

887 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

888 or

889 (c) the entity has filed with the county a request for notice during the same calendar

890 year and before the county provides notice to an affected entity in compliance with a

891 requirement imposed under this chapter.

892 (4) "Affected owner" means the owner of real property that is:

893 (a) a single project;

894 (b) the subject of a land use approval that sponsors of a referendum timely challenged

895 in accordance with Subsection 20A-7-601(5)(a); and

896 (c) determined to be legally referable under Section [20A-7-602.8](#).

897 (5) "Appeal authority" means the person, board, commission, agency, or other body
898 designated by ordinance to decide an appeal of a decision of a land use application or a
899 variance.

900 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
901 residential property if the sign is designed or intended to direct attention to a business, product,
902 or service that is not sold, offered, or existing on the property where the sign is located.

903 (7) (a) "Charter school" means:

904 (i) an operating charter school;

905 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
906 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
907 Authorization; or

908 (iii) an entity that is working on behalf of a charter school or approved charter
909 applicant to develop or construct a charter school building.

910 (b) "Charter school" does not include a therapeutic school.

911 (8) "Chief executive officer" means the person or body that exercises the executive
912 powers of the county.

913 (9) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics
914 or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
915 may not be compatible in some areas or may be compatible only if certain conditions are
916 required that mitigate or eliminate the detrimental impacts.

917 (10) "Constitutional taking" means a governmental action that results in a taking of
918 private property so that compensation to the owner of the property is required by the:

919 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

920 (b) Utah Constitution, Article I, Section 22.

921 (11) "County utility easement" means an easement that:

922 (a) a plat recorded in a county recorder's office described as a county utility easement
923 or otherwise as a utility easement;

924 (b) is not a protected utility easement or a public utility easement as defined in Section
925 [54-3-27](#);

926 (c) the county or the county's affiliated governmental entity owns or creates; and

927 (d) (i) either:

928 (A) no person uses or occupies; or

929 (B) the county or the county's affiliated governmental entity uses and occupies to
930 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
931 communications or data lines; or

932 (ii) a person uses or occupies with or without an authorized franchise or other
933 agreement with the county.

934 (12) "Culinary water authority" means the department, agency, or public entity with
935 responsibility to review and approve the feasibility of the culinary water system and sources for
936 the subject property.

937 (13) "Development activity" means:

938 (a) any construction or expansion of a building, structure, or use that creates additional
939 demand and need for public facilities;

940 (b) any change in use of a building or structure that creates additional demand and need
941 for public facilities; or

942 (c) any change in the use of land that creates additional demand and need for public
943 facilities.

944 (14) (a) "Development agreement" means a written agreement or amendment to a
945 written agreement between a county and one or more parties that regulates or controls the use
946 or development of a specific area of land.

947 (b) "Development agreement" does not include an improvement completion assurance.

948 ~~[(14)]~~ (15) (a) "Disability" means a physical or mental impairment that substantially
949 limits one or more of a person's major life activities, including a person having a record of such
950 an impairment or being regarded as having such an impairment.

951 (b) "Disability" does not include current illegal use of, or addiction to, any federally
952 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
953 Sec. 802.

954 ~~[(15)]~~ (16) "Educational facility":

955 (a) means:

956 (i) a school district's building at which pupils assemble to receive instruction in a
957 program for any combination of grades from preschool through grade 12, including

958 kindergarten and a program for children with disabilities;

959 (ii) a structure or facility:

960 (A) located on the same property as a building described in Subsection ~~[(15)]~~

961 ~~(16)~~(a)(i); and

962 (B) used in support of the use of that building; and

963 (iii) a building to provide office and related space to a school district's administrative
964 personnel; and

965 (b) does not include:

966 (i) land or a structure, including land or a structure for inventory storage, equipment
967 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

968 (A) not located on the same property as a building described in Subsection ~~[(15)]~~

969 ~~(16)~~(a)(i); and

970 (B) used in support of the purposes of a building described in Subsection ~~[(15)]~~

971 ~~(16)~~(a)(i); or

972 (ii) a therapeutic school.

973 ~~[(16)]~~ (17) "Fire authority" means the department, agency, or public entity with
974 responsibility to review and approve the feasibility of fire protection and suppression services
975 for the subject property.

976 ~~[(17)]~~ (18) "Flood plain" means land that:

977 (a) is within the 100-year flood plain designated by the Federal Emergency
978 Management Agency; or

979 (b) has not been studied or designated by the Federal Emergency Management Agency
980 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
981 the land has characteristics that are similar to those of a 100-year flood plain designated by the
982 Federal Emergency Management Agency.

983 ~~[(18)]~~ (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.

984 ~~[(19)]~~ (20) "General plan" means a document that a county adopts that sets forth
985 general guidelines for proposed future development of:

986 (a) the unincorporated land within the county; or

987 (b) for a mountainous planning district, the land within the mountainous planning
988 district.

989 [~~(20)~~] (21) "Geologic hazard" means:

- 990 (a) a surface fault rupture;
- 991 (b) shallow groundwater;
- 992 (c) liquefaction;
- 993 (d) a landslide;
- 994 (e) a debris flow;
- 995 (f) unstable soil;
- 996 (g) a rock fall; or
- 997 (h) any other geologic condition that presents a risk:
- 998 (i) to life;
- 999 (ii) of substantial loss of real property; or
- 1000 (iii) of substantial damage to real property.

1001 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
1002 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1003 utility system.

1004 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:

- 1005 (a) are clearly marked as "identical plans";
- 1006 (b) are substantially identical building plans that were previously submitted to and
1007 reviewed and approved by the county; and
- 1008 (c) describe a building that:
 - 1009 (i) is located on land zoned the same as the land on which the building described in the
1010 previously approved plans is located;
 - 1011 (ii) is subject to the same geological and meteorological conditions and the same law
1012 as the building described in the previously approved plans;
 - 1013 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1014 and approved by the county; and
 - 1015 (iv) does not require any additional engineering or analysis.

1016 [~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter
1017 36a, Impact Fees Act.

1018 [~~(24)~~] (25) "Improvement completion assurance" means a surety bond, letter of credit,
1019 financial institution bond, cash, assignment of rights, lien, or other equivalent security required

1020 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1021 required as a condition precedent to:

- 1022 (a) recording a subdivision plat; or
- 1023 (b) development of a commercial, industrial, mixed use, or multifamily project.

1024 [~~25~~] (26) "Improvement warranty" means an applicant's unconditional warranty that
1025 the applicant's installed and accepted landscaping or infrastructure improvement:

- 1026 (a) complies with the county's written standards for design, materials, and
1027 workmanship; and
- 1028 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1029 within the improvement warranty period.

1030 [~~26~~] (27) "Improvement warranty period" means a period:

- 1031 (a) no later than one year after a county's acceptance of required landscaping; or
- 1032 (b) no later than one year after a county's acceptance of required infrastructure, unless
1033 the county:

- 1034 (i) determines for good cause that a one-year period would be inadequate to protect the
1035 public health, safety, and welfare; and
- 1036 (ii) has substantial evidence, on record:
 - 1037 (A) of prior poor performance by the applicant; or
 - 1038 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1039 and the county has not otherwise required the applicant to mitigate the suspect soil.

1040 [~~27~~] (28) "Infrastructure improvement" means permanent infrastructure that is
1041 essential for the public health and safety or that:

- 1042 (a) is required for human consumption; and
- 1043 (b) an applicant must install:
 - 1044 (i) in accordance with published installation and inspection specifications for public
1045 improvements; and
 - 1046 (ii) as a condition of:
 - 1047 (A) recording a subdivision plat;
 - 1048 (B) obtaining a building permit; or
 - 1049 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1050 project.

1051 [~~(28)~~] (29) "Internal lot restriction" means a platted note, platted demarcation, or
1052 platted designation that:

1053 (a) runs with the land; and

1054 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1055 the plat; or

1056 (ii) designates a development condition that is enclosed within the perimeter of a lot
1057 described on the plat.

1058 [~~(29)~~] (30) "Interstate pipeline company" means a person or entity engaged in natural
1059 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1060 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1061 [~~(30)~~] (31) "Intrastate pipeline company" means a person or entity engaged in natural
1062 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1063 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1064 [~~(31)~~] (32) "Land use applicant" means a property owner, or the property owner's
1065 designee, who submits a land use application regarding the property owner's land.

1066 [~~(32)~~] (33) "Land use application":

1067 (a) means an application that is:

1068 (i) required by a county; and

1069 (ii) submitted by a land use applicant to obtain a land use decision; and

1070 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1071 [~~(33)~~] (34) "Land use authority" means:

1072 (a) a person, board, commission, agency, or body, including the local legislative body,
1073 designated by the local legislative body to act upon a land use application; or

1074 (b) if the local legislative body has not designated a person, board, commission,
1075 agency, or body, the local legislative body.

1076 [~~(34)~~] (35) "Land use decision" means an administrative decision of a land use
1077 authority or appeal authority regarding:

1078 (a) a land use permit;

1079 (b) a land use application; or

1080 (c) the enforcement of a land use regulation, land use permit, or development
1081 agreement.

1082 ~~[(35)]~~ (36) "Land use permit" means a permit issued by a land use authority.

1083 ~~[(36)]~~ (37) "Land use regulation":

1084 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

1085 specification, fee, or rule that governs the use or development of land;

1086 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

1087 and

1088 (c) does not include:

1089 (i) a land use decision of the legislative body acting as the land use authority, even if

1090 the decision is expressed in a resolution or ordinance; or

1091 (ii) a temporary revision to an engineering specification that does not materially:

1092 (A) increase a land use applicant's cost of development compared to the existing

1093 specification; or

1094 (B) impact a land use applicant's use of land.

1095 ~~[(37)]~~ (38) "Legislative body" means the county legislative body, or for a county that

1096 has adopted an alternative form of government, the body exercising legislative powers.

1097 ~~[(38)]~~ (39) "Local district" means any entity under Title 17B, Limited Purpose Local

1098 Government Entities - Local Districts, and any other governmental or quasi-governmental

1099 entity that is not a county, municipality, school district, or the state.

1100 ~~[(39)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and

1101 shown on a subdivision plat that has been recorded in the office of the county recorder.

1102 ~~[(40)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between

1103 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in

1104 accordance with Section [17-27a-608](#), with the consent of the owners of record.

1105 (b) "Lot line adjustment" does not mean a new boundary line that:

1106 (i) creates an additional lot; or

1107 (ii) constitutes a subdivision.

1108 ~~[(41)]~~ (42) "Major transit investment corridor" means public transit service that uses or

1109 occupies:

1110 (a) public transit rail right-of-way;

1111 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1112 or

1113 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1114 municipality or county and:

1115 (i) a public transit district as defined in Section 17B-2a-802; or

1116 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1117 ~~[(42)]~~ (43) "Moderate income housing" means housing occupied or reserved for
1118 occupancy by households with a gross household income equal to or less than 80% of the
1119 median gross income for households of the same size in the county in which the housing is
1120 located.

1121 ~~[(43)]~~ (44) "Mountainous planning district" means an area:

1122 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1123 (b) that is not otherwise exempt under Section 10-9a-304.

1124 ~~[(44)]~~ (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1125 time spent and expenses incurred in:

1126 (a) verifying that building plans are identical plans; and

1127 (b) reviewing and approving those minor aspects of identical plans that differ from the
1128 previously reviewed and approved building plans.

1129 ~~[(45)]~~ (46) "Noncomplying structure" means a structure that:

1130 (a) legally existed before ~~[its]~~ the structure's current land use designation; and

1131 (b) because of one or more subsequent land use ordinance changes, does not conform
1132 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1133 the use of land.

1134 ~~[(46)]~~ (47) "Nonconforming use" means a use of land that:

1135 (a) legally existed before its current land use designation;

1136 (b) has been maintained continuously since the time the land use ordinance regulation
1137 governing the land changed; and

1138 (c) because of one or more subsequent land use ordinance changes, does not conform
1139 to the regulations that now govern the use of the land.

1140 ~~[(47)]~~ (48) "Official map" means a map drawn by county authorities and recorded in
1141 the county recorder's office that:

1142 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1143 highways and other transportation facilities;

1144 (b) provides a basis for restricting development in designated rights-of-way or between
1145 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1146 the land; and

1147 (c) has been adopted as an element of the county's general plan.

1148 [~~48~~] (49) "Parcel" means any real property that is not a lot created by and shown on a
1149 subdivision plat recorded in the office of the county recorder.

1150 [~~49~~] (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1151 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1152 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

1153 (i) none of the property identified in the agreement is subdivided land; or

1154 (ii) the adjustment is to the boundaries of a single person's parcels.

1155 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1156 line that:

1157 (i) creates an additional parcel; or

1158 (ii) constitutes a subdivision.

1159 [~~50~~] (51) "Person" means an individual, corporation, partnership, organization,
1160 association, trust, governmental agency, or any other legal entity.

1161 [~~51~~] (52) "Plan for moderate income housing" means a written document adopted by
1162 a county legislative body that includes:

1163 (a) an estimate of the existing supply of moderate income housing located within the
1164 county;

1165 (b) an estimate of the need for moderate income housing in the county for the next five
1166 years;

1167 (c) a survey of total residential land use;

1168 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1169 income housing; and

1170 (e) a description of the county's program to encourage an adequate supply of moderate
1171 income housing.

1172 [~~52~~] (53) "Planning advisory area" means a contiguous, geographically defined
1173 portion of the unincorporated area of a county established under this part with planning and
1174 zoning functions as exercised through the planning advisory area planning commission, as

1175 provided in this chapter, but with no legal or political identity separate from the county and no
1176 taxing authority.

1177 ~~[(53)]~~ (54) "Plat" means a map or other graphical representation of lands that a licensed
1178 professional land surveyor makes and prepares in accordance with Section 17-27a-603 or
1179 57-8-13.

1180 ~~[(54)]~~ (55) "Potential geologic hazard area" means an area that:

1181 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1182 relevant map or report as needing further study to determine the area's potential for geologic
1183 hazard; or

1184 (b) has not been studied by the Utah Geological Survey or a county geologist but
1185 presents the potential of geologic hazard because the area has characteristics similar to those of
1186 a designated geologic hazard area.

1187 ~~[(55)]~~ (56) "Public agency" means:

1188 (a) the federal government;

1189 (b) the state;

1190 (c) a county, municipality, school district, local district, special service district, or other
1191 political subdivision of the state; or

1192 (d) a charter school.

1193 ~~[(56)]~~ (57) "Public hearing" means a hearing at which members of the public are
1194 provided a reasonable opportunity to comment on the subject of the hearing.

1195 ~~[(57)]~~ (58) "Public meeting" means a meeting that is required to be open to the public
1196 under Title 52, Chapter 4, Open and Public Meetings Act.

1197 ~~[(58)]~~ (59) "Public street" means a public right-of-way, including a public highway,
1198 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1199 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1200 easement, or other public way.

1201 ~~[(59)]~~ (60) "Receiving zone" means an unincorporated area of a county that the county
1202 designates, by ordinance, as an area in which an owner of land may receive a transferable
1203 development right.

1204 ~~[(60)]~~ (61) "Record of survey map" means a map of a survey of land prepared in
1205 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1206 [~~(61)~~] (62) "Residential facility for persons with a disability" means a residence:
1207 (a) in which more than one person with a disability resides; and
1208 (b) (i) which is licensed or certified by the Department of Human Services under Title
1209 62A, Chapter 2, Licensure of Programs and Facilities; or
1210 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1211 21, Health Care Facility Licensing and Inspection Act.

1212 [~~(62)~~] (63) "Rules of order and procedure" means a set of rules that govern and
1213 prescribe in a public meeting:
1214 (a) parliamentary order and procedure;
1215 (b) ethical behavior; and
1216 (c) civil discourse.

1217 [~~(63)~~] (64) "Sanitary sewer authority" means the department, agency, or public entity
1218 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1219 wastewater systems.

1220 [~~(64)~~] (65) "Sending zone" means an unincorporated area of a county that the county
1221 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1222 development right.

1223 [~~(65)~~] (66) "Site plan" means a document or map that may be required by a county
1224 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1225 owner's or developer's proposed development activity meets a land use requirement.

1226 [~~(66)~~] (67) "Specified public agency" means:
1227 (a) the state;
1228 (b) a school district; or
1229 (c) a charter school.

1230 [~~(67)~~] (68) "Specified public utility" means an electrical corporation, gas corporation,
1231 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1232 [~~(68)~~] (69) "State" includes any department, division, or agency of the state.

1233 [~~(69)~~] (70) "Subdivided land" means the land, tract, or lot described in a recorded
1234 subdivision plat.

1235 [~~(70)~~] (71) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1236 to be divided into two or more lots or other division of land for the purpose, whether

1237 immediate or future, for offer, sale, lease, or development either on the installment plan or
 1238 upon any and all other plans, terms, and conditions.

1239 (b) "Subdivision" includes:

1240 (i) the division or development of land, whether by deed, metes and bounds
 1241 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
 1242 the division includes all or a portion of a parcel or lot; and

1243 (ii) except as provided in Subsection [~~(70)~~] (71)(c), divisions of land for residential and
 1244 nonresidential uses, including land used or to be used for commercial, agricultural, and
 1245 industrial purposes.

1246 (c) "Subdivision" does not include:

1247 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1248 (ii) an agreement recorded with the county recorder's office between owners of
 1249 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
 1250 with Section 57-1-45 if:

1251 (A) no new lot is created; and

1252 (B) the adjustment does not violate applicable land use ordinances;

1253 (iii) a recorded document, executed by the owner of record:

1254 (A) revising the legal description of more than one contiguous parcel of property that is
 1255 not subdivided land into one legal description encompassing all such parcels of property; or

1256 (B) joining a subdivided parcel of property to another parcel of property that has not
 1257 been subdivided, if the joinder does not violate applicable land use ordinances;

1258 (iv) a bona fide division or partition of land in a county other than a first class county
 1259 for the purpose of siting, on one or more of the resulting separate parcels:

1260 (A) an electrical transmission line or a substation;

1261 (B) a natural gas pipeline or a regulation station; or

1262 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
 1263 utility service regeneration, transformation, retransmission, or amplification facility;

1264 (v) an agreement between owners of adjoining subdivided properties adjusting the
 1265 mutual lot line boundary in accordance with Section 10-9a-603 if:

1266 (A) no new dwelling lot or housing unit will result from the adjustment; and

1267 (B) the adjustment will not violate any applicable land use ordinance;

1268 (vi) a bona fide division or partition of land by deed or other instrument where the land
1269 use authority expressly approves in writing the division in anticipation of further land use
1270 approvals on the parcel or parcels;

1271 (vii) a parcel boundary adjustment;

1272 (viii) a lot line adjustment;

1273 (ix) a road, street, or highway dedication plat; or

1274 (x) a deed or easement for a road, street, or highway purpose.

1275 (d) The joining of a subdivided parcel of property to another parcel of property that has
1276 not been subdivided does not constitute a subdivision under this Subsection [~~(70)~~] (71) as to
1277 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1278 subdivision ordinance.

1279 [~~(71)~~] (72) "Subdivision amendment" means an amendment to a recorded subdivision
1280 in accordance with Section 17-27a-608 that:

1281 (a) vacates all or a portion of the subdivision;

1282 (b) alters the outside boundary of the subdivision;

1283 (c) changes the number of lots within the subdivision;

1284 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1285 subdivision; or

1286 (e) alters a common area or other common amenity within the subdivision.

1287 (73) "Substantial evidence" means evidence that:

1288 (a) is beyond a scintilla; and

1289 (b) a reasonable mind would accept as adequate to support a conclusion.

1290 [~~(72)~~] (74) "Suspect soil" means soil that has:

1291 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1292 3% swell potential;

1293 (b) bedrock units with high shrink or swell susceptibility; or

1294 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1295 commonly associated with dissolution and collapse features.

1296 [~~(73)~~] (75) "Therapeutic school" means a residential group living facility:

1297 (a) for four or more individuals who are not related to:

1298 (i) the owner of the facility; or

- 1299 (ii) the primary service provider of the facility;
- 1300 (b) that serves students who have a history of failing to function:
- 1301 (i) at home;
- 1302 (ii) in a public school; or
- 1303 (iii) in a nonresidential private school; and
- 1304 (c) that offers:
- 1305 (i) room and board; and
- 1306 (ii) an academic education integrated with:
- 1307 (A) specialized structure and supervision; or
- 1308 (B) services or treatment related to a disability, an emotional development, a
- 1309 behavioral development, a familial development, or a social development.

1310 [~~74~~] (76) "Transferable development right" means a right to develop and use land that
 1311 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1312 land use rights from a designated sending zone to a designated receiving zone.

1313 [~~75~~] (77) "Unincorporated" means the area outside of the incorporated area of a
 1314 municipality.

1315 [~~76~~] (78) "Water interest" means any right to the beneficial use of water, including:

- 1316 (a) each of the rights listed in Section 73-1-11; and
- 1317 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1318 (i) a contract; or
- 1319 (ii) a share in a water company, as defined in Section 73-3-3.5.

1320 [~~77~~] (79) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1321 depicts land use zones, overlays, or districts.

1322 Section 11. Section 17-27a-302 is amended to read:

1323 **17-27a-302. Planning commission powers and duties -- Training requirements.**

1324 (1) Each countywide planning advisory area or mountainous planning district planning
 1325 commission shall, with respect to the unincorporated area of the county, the planning advisory
 1326 area, or the mountainous planning district, review and make a recommendation to the county
 1327 legislative body for:

- 1328 (a) a general plan and amendments to the general plan;
- 1329 (b) land use regulations, including:

- 1330 (i) ordinances regarding the subdivision of land within the county; and
- 1331 (ii) amendments to existing land use regulations;
- 1332 (c) an appropriate delegation of power to at least one designated land use authority to
- 1333 hear and act on a land use application;
- 1334 (d) an appropriate delegation of power to at least one appeal authority to hear and act
- 1335 on an appeal from a decision of the land use authority; and
- 1336 (e) application processes that:
 - 1337 (i) may include a designation of routine land use matters that, upon application and
 - 1338 proper notice, will receive informal streamlined review and action if the application is
 - 1339 uncontested; and
 - 1340 (ii) shall protect the right of each:
 - 1341 (A) land use applicant and adversely affected party to require formal consideration of
 - 1342 any application by a land use authority;
 - 1343 (B) land use applicant or adversely affected party to appeal a land use authority's
 - 1344 decision to a separate appeal authority; and
 - 1345 (C) participant to be heard in each public hearing on a contested application.
 - 1346 (2) Before making a recommendation to a legislative body on an item described in
 - 1347 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
 - 1348 with Section [17-27a-404](#).
 - 1349 (3) A legislative body may adopt, modify, or reject a planning commission's
 - 1350 recommendation to the legislative body under this section.
 - 1351 (4) A legislative body may consider a planning commission's failure to make a timely
 - 1352 recommendation as a negative recommendation.
 - 1353 (5) Nothing in this section limits the right of a county to initiate or propose the actions
 - 1354 described in this section.
 - 1355 (6) (a) (i) This Subsection (6) applies to a county that:
 - 1356 (A) is a county of the first, second, or third class; and
 - 1357 (B) has a population in the county's unincorporated areas of 5,000 or more.
 - 1358 (ii) The population figure described in Subsection (6)(a)(i) shall be derived from:
 - 1359 (A) the most recent official census or census estimate of the United States Census
 - 1360 Bureau; or

1361 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
1362 the Utah Population Committee.

1363 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the
1364 county's planning commission completes four hours of annual land use training as follows:

1365 (i) one hour of annual training on general powers and duties under Title 17, Chapter
1366 27a, County Land Use, Development, and Management Act; and

1367 (ii) three hours of annual training on land use, which may include:

1368 (A) appeals and variances;

1369 (B) conditional use permits;

1370 (C) exactions;

1371 (D) impact fees;

1372 (E) vested rights;

1373 (F) subdivision regulations and improvement guarantees;

1374 (G) land use referenda;

1375 (H) property rights;

1376 (I) real estate procedures and financing;

1377 (J) zoning, including use-based and form-based; and

1378 (K) drafting ordinances and code that complies with statute.

1379 (c) A newly appointed planning commission member may not participate in a public
1380 meeting as an appointed member until the member completes the training described in

1381 Subsection (6)(b)(i).

1382 (d) A planning commission member may qualify for one completed hour of training
1383 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
1384 meetings of the planning commission within a calendar year.

1385 (e) A county shall provide the training described in Subsection (6)(b) through:

1386 (i) county staff;

1387 (ii) the Utah Association of Counties; or

1388 (iii) a list of training courses selected by:

1389 (A) the Utah Association of Counties; or

1390 (B) the Division of Real Estate created in Section [61-2-201](#).

1391 (f) A county shall, for each planning commission member:

1392 (i) monitor compliance with the training requirements in Subsection (6)(b); and
1393 (ii) maintain a record of training completion at the end of each calendar year.

1394 Section 12. Section **17-27a-506** is amended to read:

1395 **17-27a-506. Conditional uses.**

1396 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
1397 provisions for conditional uses that require compliance with objective standards set forth in an
1398 applicable ordinance.

1399 (b) A county may not impose a requirement or standard on a conditional use that
1400 conflicts with a provision of this chapter or other state or federal law.

1401 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
1402 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
1403 the proposed use in accordance with applicable standards.

1404 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
1405 anticipated detrimental effects of the proposed conditional use does not require elimination of
1406 the detrimental effects.

1407 (b) If a land use authority proposes reasonable conditions on a proposed conditional
1408 use, the land use authority shall ensure that the conditions are stated on the record and
1409 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

1410 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
1411 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
1412 achieve compliance with applicable standards, the land use authority may deny the conditional
1413 use.

1414 (3) A land use authority's decision to approve or deny a conditional use is an
1415 administrative land use decision.

1416 (4) A legislative body shall classify any use that a land use regulation allows in a
1417 zoning district as either a permitted or conditional use under this chapter.

1418 Section 13. Section **17-27a-508** is amended to read:

1419 **17-27a-508. Applicant's entitlement to land use application approval --**
1420 **Application relating to land in a high priority transportation corridor -- County's**
1421 **requirements and limitations -- Vesting upon submission of development plan and**
1422 **schedule.**

1423 (1) (a) (i) An applicant who has submitted a complete land use application, including
1424 the payment of all application fees, is entitled to substantive review of the application under the
1425 land use regulations:

1426 (A) in effect on the date that the application is complete; and

1427 (B) applicable to the application or to the information shown on the submitted
1428 application.

1429 (ii) An applicant is entitled to approval of a land use application if the application
1430 conforms to the requirements of the applicable land use regulations, land use decisions, and
1431 development standards in effect when the applicant submits a complete application and pays all
1432 application fees, unless:

1433 (A) the land use authority, on the record, formally finds that a compelling,
1434 countervailing public interest would be jeopardized by approving the application and specifies
1435 the compelling, countervailing public interest in writing; or

1436 (B) in the manner provided by local ordinance and before the applicant submits the
1437 application, the county formally initiates proceedings to amend the county's land use
1438 regulations in a manner that would prohibit approval of the application as submitted.

1439 (b) The county shall process an application without regard to proceedings the county
1440 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1441 (i) 180 days have passed since the county initiated the proceedings; and

1442 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1443 application as submitted.

1444 (c) A land use application is considered submitted and complete when the applicant
1445 provides the application in a form that complies with the requirements of applicable ordinances
1446 and pays all applicable fees.

1447 (d) The continuing validity of an approval of a land use application is conditioned upon
1448 the applicant proceeding after approval to implement the approval with reasonable diligence.

1449 (e) A county may not impose on an applicant who has submitted a complete
1450 application a requirement that is not expressed:

1451 (i) in this chapter;

1452 (ii) in a county ordinance; or

1453 (iii) in a county specification for public improvements applicable to a subdivision or

1454 development that is in effect on the date that the applicant submits an application.

1455 (f) A county may not impose on a holder of an issued land use permit or a final,
1456 unexpired subdivision plat a requirement that is not expressed:

1457 (i) in a land use permit;

1458 (ii) on the subdivision plat;

1459 (iii) in a document on which the land use permit or subdivision plat is based;

1460 (iv) in the written record evidencing approval of the land use permit or subdivision
1461 plat;

1462 (v) in this chapter; or

1463 (vi) in a county ordinance.

1464 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1465 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1466 failure to comply with a requirement that is not expressed:

1467 (i) in the building permit or subdivision plat, documents on which the building permit
1468 or subdivision plat is based, or the written record evidencing approval of the building permit or
1469 subdivision plat; or

1470 (ii) in this chapter or the county's ordinances.

1471 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1472 where an applicant has met all requirements essential for the public health, public safety, and
1473 general welfare of the occupants, in accordance with this chapter, unless:

1474 (i) the applicant and the county have agreed in a written document to the withholding
1475 of a certificate of occupancy; or

1476 (ii) the applicant has not provided a financial assurance for required and uncompleted
1477 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1478 legislative body adopts under this chapter.

1479 (2) A county is bound by the terms and standards of applicable land use regulations and
1480 shall comply with mandatory provisions of those regulations.

1481 (3) A county may not, as a condition of land use application approval, require a person
1482 filing a land use application to obtain documentation regarding a school district's willingness,
1483 capacity, or ability to serve the development proposed in the land use application.

1484 (4) (a) Except as provided in Subsection (4)(b), a county may not impose a land use

1485 regulation on a building permit applicant if:

1486 (i) the county enacts the land use regulation within 10 years after the day on which a
 1487 subdivision plat is recorded; and

1488 (ii) the building permit is for a single-family dwelling located within the recorded plat
 1489 described in Subsection (4)(a)(i).

1490 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
 1491 applicable building code.

1492 ~~[(4)]~~ (5) Upon a specified public agency's submission of a development plan and
 1493 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
 1494 subsection, the specified public agency vests in the county's applicable land use maps, zoning
 1495 map, hookup fees, impact fees, other applicable development fees, and land use regulations in
 1496 effect on the date of submission.

1497 ~~[(5)]~~ (6) (a) If sponsors of a referendum timely challenge a project in accordance with
 1498 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
 1499 approval by delivering a written notice:

1500 (i) to the local clerk as defined in Section 20A-7-101; and

1501 (ii) no later than seven days after the day on which a petition for a referendum is
 1502 determined sufficient under Section 20A-7-607(5).

1503 (b) Upon delivery of a written notice described in Subsection ~~[(5)]~~ (6)(a) the following
 1504 are rescinded and are of no further force or effect:

1505 (i) the relevant land use approval; and

1506 (ii) any land use regulation enacted specifically in relation to the land use approval.

1507 Section 14. Section 17-27a-526 is enacted to read:

1508 **17-27a-526. Development agreements.**

1509 (1) Subject to Subsection (2), a county may enter into a development agreement
 1510 containing any term that the county considers necessary or appropriate to accomplish the
 1511 purposes of this chapter.

1512 (2) (a) A development agreement may not:

1513 (i) limit a county's authority in the future to:

1514 (A) enact a land use regulation; or

1515 (B) take any action allowed under Section 27-53-223;

- 1516 (ii) require a county to change the zoning designation of an area of land within the
1517 county in the future; or
- 1518 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
1519 existing land use regulation that governs the area subject to the development agreement, unless
1520 the legislative body approves the development agreement in accordance with the same
1521 procedures for enacting a land use regulation under Section [17-27a-502](#), including a review and
1522 recommendation from the planning commission and a public hearing.
- 1523 (b) A development agreement that requires the implementation of an existing land use
1524 regulation as an administrative act does not require a legislative body's approval under Section
1525 [17-27a-502](#).
- 1526 (c) A county may not require a development agreement as the only option for
1527 developing land within the county.
- 1528 (d) To the extent that a development agreement does not specifically address a matter
1529 or concern related to land use or development, the matter or concern is governed by:
- 1530 (i) this chapter; and
1531 (ii) any applicable land use regulations.
- 1532 Section 15. Section **17-27a-527** is enacted to read:
- 1533 **17-27a-527. Infrastructure improvements involving roadways.**
- 1534 (1) As used in this section:
- 1535 (a) "Low impact development" means the same as that term is defined in Section
1536 [19-5-108.5](#).
- 1537 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.
1538 (ii) "Pavement" does not include a curb or gutter.
- 1539 (c) "Residential street" means a public or private roadway that:
- 1540 (i) currently serves or is projected to serve an area designated primarily for
1541 single-family residential use;
- 1542 (ii) requires at least two off-site parking spaces for each single-family residential
1543 property abutting the roadway; and
- 1544 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
1545 based on findings contained in:
- 1546 (A) a traffic impact study;

1547 (B) the county's general plan under Section [17-27a-401](#);

1548 (C) an adopted phasing plan; or

1549 (D) a written plan or report on current or projected traffic usage.

1550 (2) (a) Except as provided in Subsection (2)(b), a county may not, as part of an
 1551 infrastructure improvement, require the installation of pavement on a residential street at a
 1552 width in excess of 32 feet if the county requires low impact development for the area in which
 1553 the residential street is located.

1554 (b) Subsection (2)(a) does not apply if a county requires the installation of pavement:

1555 (i) in a vehicle turnaround area; or

1556 (ii) to address specific traffic flow constraints at an intersection or other area.

1557 (3) (a) A county shall, by ordinance, establish any standards that the county requires, as
 1558 part of an infrastructure improvement, for fire department vehicle access and turnaround on
 1559 roadways.

1560 (b) The county shall ensure that the standards established under Subsection (3)(a) are
 1561 consistent with the State Fire Code as defined in Section [15A-1-102](#).

1562 Section 16. Section **17-27a-701** is amended to read:

1563 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**
 1564 **-- Appeal authority duties.**

1565 (1) (a) Each county adopting a land use ordinance shall, by ordinance, establish one or
 1566 more appeal authorities [~~to hear and decide~~].

1567 (b) An appeal authority shall hear and decide:

1568 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;

1569 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and

1570 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section [17-27a-509](#).

1571 (c) An appeal authority may not hear an appeal from the enactment of a land use
 1572 regulation.

1573 (2) As a condition precedent to judicial review, each adversely affected party shall
 1574 timely and specifically challenge a land use authority's land use decision, in accordance with
 1575 local ordinance.

1576 (3) An appeal authority described in Subsection (1)(a):

1577 (a) shall:

1578 (i) act in a quasi-judicial manner; and
1579 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1580 use ordinances; and

1581 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1582 participating member, had first acted as the land use authority.

1583 (4) By ordinance, a county may:

1584 (a) designate a separate appeal authority to hear requests for variances than the appeal
1585 authority [~~it~~] the county designates to hear appeals;

1586 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1587 of land use authority decisions;

1588 (c) require an adversely affected party to present to an appeal authority every theory of
1589 relief that [~~it~~] the adversely affected party can raise in district court;

1590 (d) not require a land use applicant or adversely affected party to pursue duplicate or
1591 successive appeals before the same or separate appeal authorities as a condition of an appealing
1592 party's duty to exhaust administrative remedies; and

1593 (e) provide that specified types of land use decisions may be appealed directly to the
1594 district court.

1595 (5) If the county establishes or, prior to the effective date of this chapter, has
1596 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1597 board, body, or panel shall:

1598 (a) notify each of [~~its~~] the members of the board, body, or panel of any meeting or
1599 hearing of the board, body, or panel;

1600 (b) provide each of [~~its~~] the members of the board, body, or panel with the same
1601 information and access to municipal resources as any other member;

1602 (c) convene only if a quorum of [~~its~~] the members of the board, body, or panel is
1603 present; and

1604 (d) act only upon the vote of a majority of [~~its~~] the convened members of the board,
1605 body, or panel.

1606 Section 17. Section **17-27a-801** is amended to read:

1607 **17-27a-801. No district court review until administrative remedies exhausted --**

1608 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

1609 -- **Staying of decision.**

1610 (1) No person may challenge in district court a land use decision until that person has
1611 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1612 Variances, if applicable.

1613 (2) (a) ~~[A]~~ Subject to Subsection (1), a land use applicant or adversely affected party
1614 may file a petition for review of ~~[the]~~ a land use decision with the district court within 30 days
1615 after the decision is final.

1616 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1617 property owner files a request for arbitration of a constitutional taking issue with the property
1618 rights ombudsman under Section 13-43-204 until 30 days after:

1619 (A) the arbitrator issues a final award; or

1620 (B) the property rights ombudsman issues a written statement under Subsection
1621 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1622 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1623 taking issue that is the subject of the request for arbitration filed with the property rights
1624 ombudsman by a property owner.

1625 (iii) A request for arbitration filed with the property rights ombudsman after the time
1626 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1627 (3) (a) A court shall:

1628 (i) presume that a land use regulation properly enacted under the authority of this
1629 chapter is valid; and

1630 (ii) determine only whether:

1631 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1632 or federal law; and

1633 (B) it is reasonably debatable that the land use regulation is consistent with this
1634 chapter.

1635 (b) A court shall:

1636 (i) presume that a final land use decision of a land use authority or an appeal authority
1637 is valid; and

1638 (ii) uphold the land use decision unless the land use decision is:

1639 (A) arbitrary and capricious; or

1640 (B) illegal.

1641 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1642 supported by substantial evidence in the record.

1643 (ii) A land use decision is illegal if the land use decision is:

1644 (A) based on an incorrect interpretation of a land use regulation; or

1645 (B) contrary to law.

1646 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
1647 decision.

1648 (ii) If the court reverses a [~~denial of a land use application~~] land use decision, the court
1649 shall remand the matter to the land use authority with instructions to issue [~~an approval~~] a land
1650 use decision consistent with the court's decision.

1651 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
1652 final action on a land use application, if the county conformed with the notice provisions of
1653 Part 2, Notice, or for any person who had actual notice of the pending land use decision.

1654 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
1655 of a land use regulation or general plan may not be filed with the district court more than 30
1656 days after the enactment.

1657 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1658 days after the land use decision is final.

1659 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1660 the reviewing court the record of [~~its~~] the proceedings of the land use authority or appeal
1661 authority, including [~~its~~] the minutes, findings, orders and, if available, a true and correct
1662 transcript of [~~its~~] the proceedings.

1663 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1664 transcript for purposes of this Subsection (7).

1665 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1666 by the land use authority or appeal authority, as the case may be.

1667 (ii) The court may not accept or consider any evidence outside the record of the land
1668 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1669 land use authority or appeal authority, respectively, and the court determines that [~~it~~] the
1670 evidence was improperly excluded.

1671 (b) If there is no record, the court may call witnesses and take evidence.

1672 (9) (a) The filing of a petition does not stay the land use decision of the land use
1673 authority or appeal authority, as the case may be.

1674 (b) (i) Before filing a petition under this section or a request for mediation or
1675 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1676 petition the appeal authority to stay [~~its~~] the appeal authority's decision.

1677 (ii) Upon receipt of a petition to stay, the appeal authority may order [~~its~~] the appeal
1678 authority's decision stayed pending district court review if the appeal authority finds [~~it~~] the
1679 order to be in the best interest of the county.

1680 (iii) After a petition is filed under this section or a request for mediation or arbitration
1681 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1682 injunction staying the appeal authority's land use decision.

1683 (10) If the court determines that a party initiated or pursued a challenge to [~~the~~] a land
1684 use decision on a land use application in bad faith, the court may award attorney fees.

1685 Section 18. Section 63I-2-217 is amended to read:

1686 **63I-2-217. Repeal dates -- Title 17.**

1687 (1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.

1688 (2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study
1689 Council, is repealed January 1, 2021.

1690 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
1691 planning district" is repealed June 1, 2021.

1692 (4) (a) Subsection 17-27a-103[~~(18)~~](19)(b), regarding a mountainous planning district,
1693 is repealed June 1, 2021.

1694 (b) Subsection 17-27a-103[~~(42)~~](43), regarding a mountainous planning district, is
1695 repealed June 1, 2021.

1696 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
1697 district area" is repealed June 1, 2021.

1698 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
1699 repealed June 1, 2021.

1700 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
1701 June 1, 2021.

1702 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
1703 2021.

1704 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
1705 and "or the mountainous planning district," is repealed June 1, 2021.

1706 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
1707 district or" and ", as applicable" is repealed June 1, 2021.

1708 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
1709 repealed June 1, 2021.

1710 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
1711 June 1, 2021.

1712 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
1713 repealed June 1, 2021.

1714 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
1715 repealed June 1, 2021.

1716 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
1717 planning district" is repealed June 1, 2021.

1718 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
1719 district" is repealed June 1, 2021.

1720 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
1721 repealed June 1, 2021.

1722 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
1723 repealed June 1, 2021.

1724 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
1725 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

1726 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
1727 repealed June 1, 2021.

1728 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
1729 district land" is repealed June 1, 2021.

1730 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1731 2021.

1732 (17) On June 1, 2021, when making the changes in this section, the Office of

1733 Legislative Research and General Counsel shall:

1734 (a) in addition to its authority under Subsection 36-12-12(3):

1735 (i) make corrections necessary to ensure that sections and subsections identified in this

1736 section are complete sentences and accurately reflect the office's understanding of the

1737 Legislature's intent; and

1738 (ii) make necessary changes to subsection numbering and cross references; and

1739 (b) identify the text of the affected sections and subsections based upon the section and

1740 subsection numbers used in Laws of Utah 2017, Chapter 448.

1741 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services

1742 in a designated recreation area, is repealed June 1, 2021.

1743 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed

1744 January 1, 2022.

1745 (20) On June 1, 2022:

1746 (a) Section 17-52a-104 is repealed;

1747 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision

1748 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

1749 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

1750 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to

1751 initiate a change of form of government process by July 1, 2018, is repealed.